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7 WHOLESALE CORPORATION

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
10

11 TRACEY STRATTON, an individual,

12 Plaintiff,

13 vs.

14 COSTCO WHOLESALE CORPORATION, a
Washington Corporation; IRIS, an individual;
15 and DOES 1-25, inclusive,

16 Defendants.
17

Case No. 3:21-cv-5669-EMC

**DECLARATION OF ZOIS JOHNSTON IN
SUPPORT OF MOTION TO
DISQUALIFY DOWNTOWN LA LAW
GROUP FROM REPRESENTING
PLAINTIFF**

Date: December 16, 2021
Time: 1:30 p.m.
Dept.: Courtroom 5, 17th Floor
The Hon. Edward M. Chen

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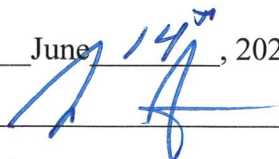
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DECLARATION OF ZOIS JOHNSTON

I, Zois Johnston, under oath depose and state that the following information is true and accurate to the best of my knowledge:

1. I am the Director of Claims for Costco Wholesale Corporation (“Costco”).
2. Attorney Anthony Werbin (“Werbin”) represented Costco in 21 cases from July 5, 2017 to January 16, 2020, while employed by Manning & Kass, Ellrod, Ramirez, Trester LLP.
3. Werbin’s representation of Costco involved matters relating to personal injuries, including trip-and-fall and slip-and-fall.
4. For example, Werbin served as one of Costco’s trial counsel in a personal injury matter encaptioned, *Guo Jun Chen v. Costco Wholesale Corporation* (Case No. BC654699) which went to trial on May 29, 2019, and which a verdict was rendered on June 4, 2019.
5. While serving as Costco’s attorney, Werbin handled virtually every aspect of Costco’s file, which included, but was but not limited to, developing strategy, communicating with Costco employees as well as its claims administrator Gallagher Bassett, reviewing confidential and privileged documents, preparing responses to discovery, preparing witnesses to testify at depositions and defending numerous depositions of Costco employees, and developing litigation strategy.
6. In connection with his work for Costco, Werbin was privy to Costco’s pre-litigation strategies, case handling procedures, attorney-client communications, confidential and proprietary information concerning Costco’s operations, confidential client documentation, policies and procedures, and trade secrets.
7. On March 19, 2019, Werbin attended a day-long California Defense Counsel Conference that Costco held for its panel of defense attorneys in California in order to discuss California litigation, convey information, and share defense tools and strategies among its defense counsel. Werbin was an active participant in the Conference. After the Conference, Werbin sent an email to other attendees sharing his thoughts on defense strategy.
8. In total, between 2017 and 2020, Werbin billed 1,195 hours of time working on Costco matters.

Signed under the pains and penalties of perjury this 11th day of June, 2021.



Zois Johnston